

LABOR SERVICES DIVISION[875]

Notice of Intended Action

**Proposing rule making related to asbestos removal
and providing an opportunity for public comment**

The Labor Commissioner hereby proposes to amend Chapter 155, “Asbestos Removal and Encapsulation,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 88B.3(2).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88B.

Purpose and Summary

Iowa Code section 88B.3(1) authorizes the Commissioner to administer Iowa Code chapter 88B. This rule making provides additional clarification for asbestos-removal professionals regarding the ten-day notice of commencement of work as well as exemptions to the notice requirement related to disaster emergency proclamations. The proposed amendment to subrule 155.5(1) establishes a deadline for the commencement of an asbestos-removal project after notice has been given to the Division of Labor Services. This provides accurate notice to the Division as to when asbestos-removal professionals will begin work at a jobsite. The proposed amendment to subrule 155.5(3) allows asbestos-removal professionals to provide a ten-day notice on the Division’s website. The proposed amendment to subrule 155.5(4) ensures that asbestos-removal professionals identify the applicable disaster and disaster emergency proclamation in any notice that deviates from subrule 155.5(1) because of a disaster emergency proclamation.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commissioner no later than 4:30 p.m. on March 2, 2022. Comments should be directed to:

Lanny Zieman
Division of Labor Services
150 Des Moines Street
Des Moines, Iowa 50309
Email: lanny.zieman@iwd.iowa.gov

Public Hearing

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

March 2, 2022
10 a.m.

150 Des Moines Street
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commissioner and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 875—155.5(88B) as follows:

875—155.5(88B) Ten-day notices.

155.5(1) General. Permittees shall notify the division at least ten working days before an asbestos project begins. A project begins when site preparations for asbestos abatement, encapsulation, or removal begin; when asbestos abatement, encapsulation, or removal begins; or when any demolition begins, whichever is sooner. Legible electronic transmissions of ten-day notices in the proper format shall be accepted. If work on the asbestos-removal project does not commence within 30 calendar days of the original start date identified in the ten-day notice given by permittees to the division, a revised ten-day notice shall be submitted to the division.

155.5(2) No change.

155.5(3) Format. The notice shall be submitted online at www.iowadivisionoflabor.gov or be on an 8½" by 11" sheet of paper and shall contain the following information:

a. to *g.* No change.

155.5(4) Disaster emergency proclamations. For structures that are both located in an area that is subject to a disaster emergency proclamation pursuant to Iowa Code section 29C.6 and damaged by circumstances related to those that caused the disaster emergency proclamation, the permittee shall file the notice described by this rule as early as possible, but not later than the working day following the initiation of the project. A description of the disaster and the disaster emergency proclamation shall be included in the notice.